



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number July 14-123RZ/F

Case Type Rezoning & Final Plat

Project Name Elizabeth Acres
(A Replat of Lot 5A and 5B Bonnie Acres)

Applicant Dennis L. Schmidt, Countryside Survey, LLC,
representing Elizabeth S. Roberts

Owner Elizabeth S. Roberts
10008 NE 124th Street
Liberty, MO 64068

Request **Rezoning & Final Plat** approval of Elizabeth Acres (A
Replat of Lot 5A and 5B Bonnie Acres)

Application Submittal 2014-06-02

Public Notice Published 2014-06-12

Neighbor Letters Sent 2014-06-13

Report Date 2014-06-25 **[UPDATED 2014-07-25]**

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Director

Recommendation Approved, with conditions



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General Information

Site Location: 10008 NE 124th Street
Section 13 | Township 52 | Range 32

Site Size: 24.68± Acres

Existing Landuse & Zoning: Suburban Residential District (R-1A)-Lot 5B,
Agricultural (AG)-Lot 5A

Zoning/Platting History: Bonnie Acres, recorded 8/6/1993; Bonnie Acres,
Replat of Lot 5, recorded 9/28/2006; RZ-Replat of Lot 5
Bonnie Acres, Res#2006-319, PP-Res#2006-320;
Final-Res#2006-321

Surrounding Landuse & Zoning:

North – Agricultural (AG) Zoned Land, Green Acres Estates (R-1), Reeves Addition (R-1A)
East – Agricultural (AG) Zoned Land, Green Acres Estates (R-1)
South – Agricultural (AG) Zoned Land, VanHendrix Acres (AG & R-1)
West – Agricultural (AG) Zoned Land

Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



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Assessment

Dennis L. Schmidt, Countryside Survey, LLC, representing Elizabeth S. Roberts is requesting **Rezoning** approval from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for proposed Lot 2 ONLY and Suburban Residential District (R-1A) to Agricultural (AG) for proposed Lot 1 for the subdivision replat of Elizabeth Acres A Replat of Lot 5A and 5B Bonnie Acres in conjunction with the **Final Plat** approval for the property located at approximately 10008 NE 124th Street.

Ms. Roberts would like to re-configure the two existing lots into two new reshaped lots with a total of 24.68± acres. Lot 1 = 21.00± acres, and Lot 2 = 3.68± acres.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located within the **URBAN SERVICES TIER**, as well as the 1-Mile Urban Coordination Sub-Tier.

The following tables illustrate the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Kansas City is within the 1-Mile Urban Coordination Sub-Tier. The City of Kansas City responded in an email saying after review of the plat they have no concerns.

The request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agriculturally (AG) zoned property is to each direction of the property. Green Acres Estates (R-1) and Reeves Addition (R-1A) subdivisions are to the north. Yosemite West (R-1A) and Yosemite East (R-1) subdivisions are located to the east. VanHendrix Acres (AG & R-1) are to the south of the property and Agriculturally (AG) zoned land is to west of the property [See Attachment B].

LDC Considerations

The review procedures and submittal content for the Elizabeth Acres A Replat of Lot 5A and 5B Bonnie Acres must follow the Development Review Procedures requirements in Section 151-3 of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request appears to substantially comply with the LDC. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent June 13, 2014.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (151-3.3 F):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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Outside Agency Review

The Clay County Highway Department has noted the current driveway's off of NE 124th Street meet the requirements for sight distance. Public Water Supply District #6 of Clay County presently supplies water for the existing homes. The Clay County Health Department has given final approval for the replat. The Kearney Fire District serves the property.

Findings

Road Impact Fees (RIF) are not required as both lots occupy existing single family residences.

The Kearney Fire District responded with the following comments regarding the access: "My only comments would be for the consideration of access by large vehicles (60,000 GVW) and that if there is a gated access. It would require some type of Knox access device (padlock, gate switch, etc.); that info can be found on our website www.kearneyfire.org.

The applicant would like to vacate the utility easements surrounding Lot 5B of the Replat of Lot 5, Bonnie Acres. Staff recommended that the subject rezoning and final plat requests be tabled at the July 1, 2014 PZC until the vacation request of these easements was submitted. **As an update, the utility vacation request follows and is case number August 14-124V.**

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for proposed Lot 2 ONLY and Suburban Residential District (R-1A) to Agricultural (AG) for proposed Lot 1 for **Elizabeth Acres A Replat of Lot 5A and 5B Bonnie Acres** be **APPROVED** subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat** of the **Elizabeth Acres A Replat of Lot 5A and 5B Bonnie Acres** be **APPROVED**, with the conditions as shown on Exhibit A:

Exhibit A

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with Elizabeth Acres (A Replat of Lot 5A and 5B Bonnie Acres) (Case No: August 14-124V) with the described easement shown as vacated on the Final Plat.
2. The following changes to the recording copies of the final plat:
 - a. CHANGE: the portion in **bold** of the legal description should be deleted: Commencing at the Southwest Corner of the Northwest Quarter of said Section 13, thence along the West line of said quarter Section North 00 degrees 20 minutes 38 seconds East 50 feet to the POINT OF BEGINNING said point being the Southwest corner of said BONNINE ACRES; thence North 00 degrees 20 minutes 38 seconds East along the West line of said BONNIE ACRES, a distance of 1255.84 feet (1255.52 feet record) to the Northwest corner of said BONNIE ACRES; **thence North 00 degrees 20 minutes 38 seconds East along the North line of said BONNIE ACRES, a distance of 802.34 feet;**
 - b. CHANGE: Build line for LOT 2 to 35' B.L.
 - c. CHANGE: In Notes: Current zoning: AG & R-1A. Proposed zoning.....R-1A to RU-80
 - d. ADD: To the end of Note 4 add: in streamside Zones 1 & 2 on Lot 2.



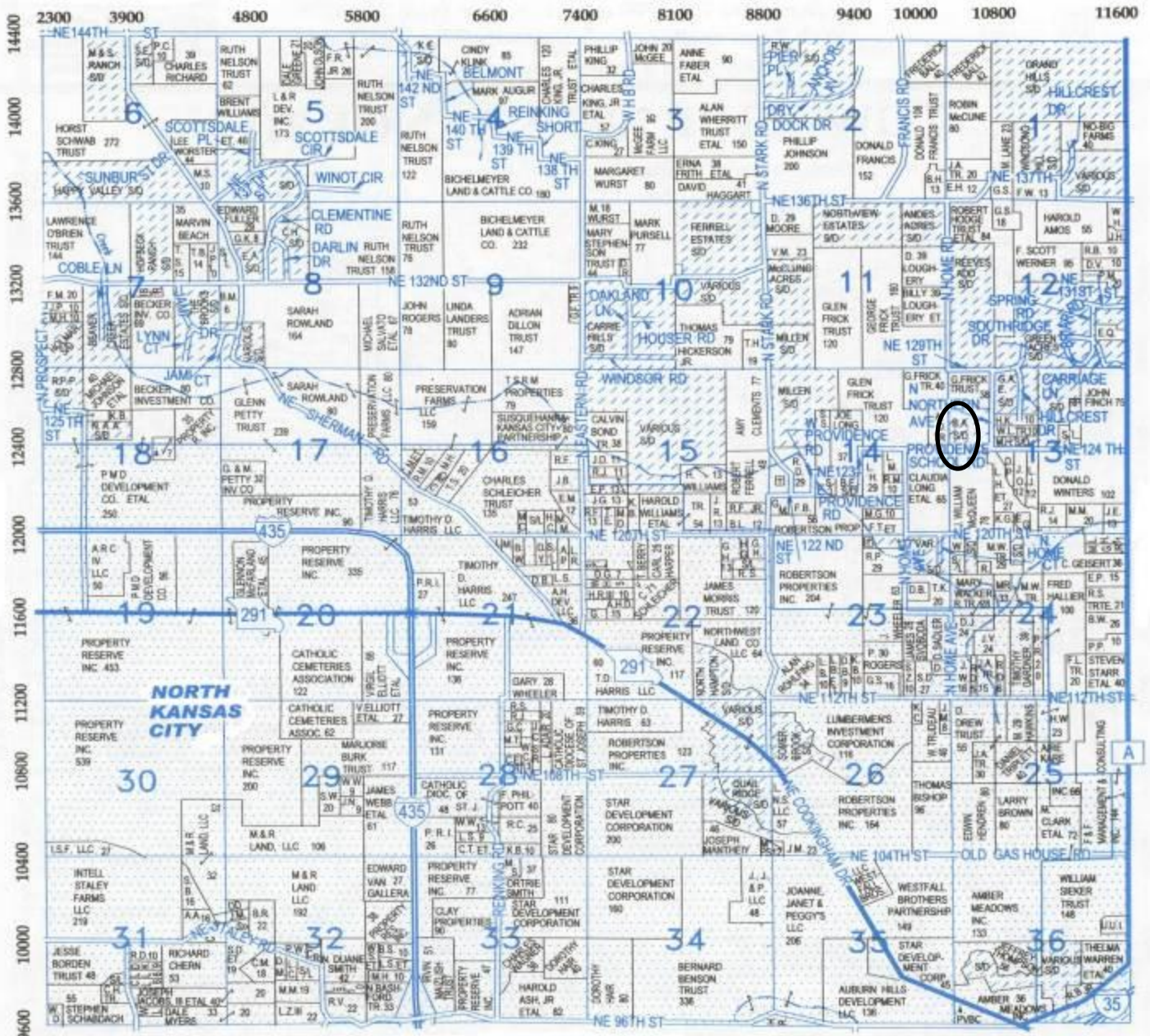
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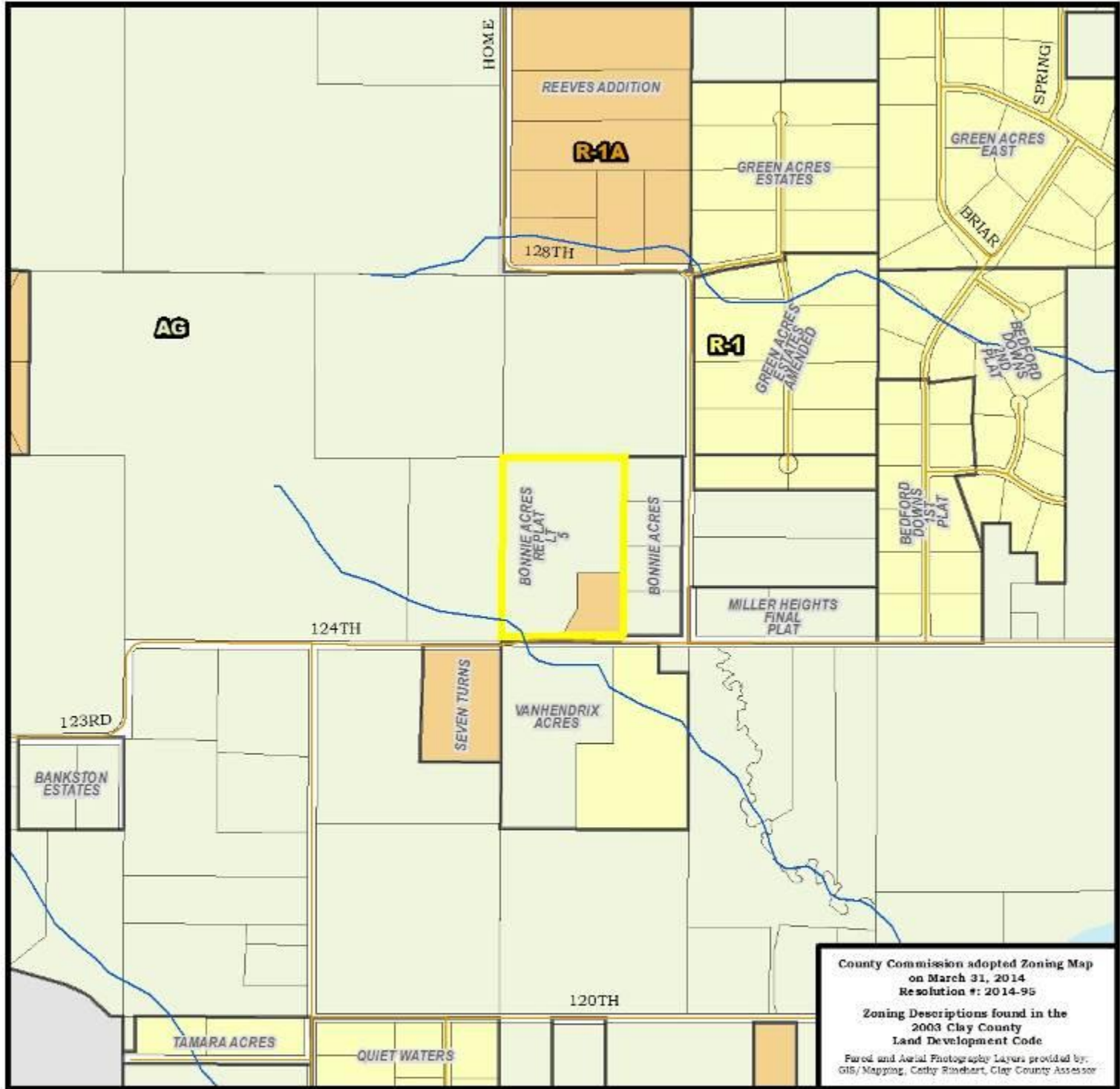
Attachments

July 14-123RZ/F Elizabeth Acres Attachment A - Vicinity Map

TOWNSHIP 52N • RANGE 32W



July 14-123RZ/F – Elizabeth Acres - Bonnie Acres Replat Lts 5A & 5B **Attachment B - Existing Conditions Map**



July 14-123RZ/F – Elizabeth Acres - Bonnie Acres Replat Lts 5A & 5B Attachment C - Site Plan Map

